



Room 301, Hall of Records
2281 Tulare Street
Fresno, California 93721-2198
Telephone: (559) 488-3529
Toll Free: 1-800-742-1011

Board of Supervisors Agenda

Chairman

Juan Arambula

3rd District

Vice Chairman

Susan B. Anderson

2nd District

Phil Larson

1st District

Judith G. Case

4th District

Bob Waterston

5th District

Bart Bohn

County Admin. Officer

Phillip S. Cronin

County Counsel

Bernice E. Seidel

Clerk

ACTION SUMMARY MINUTES

TUESDAY

MARCH 25, 2003

9:00 A.M.

PLEDGE OF ALLEGIANCE

1. Adopt resolution recognizing Odette and Armen Hamayelian and the Kern Café for 17 years of service to Downtown Fresno

AnLCA
W/ab

APPROVED AS RECOMMENDED

2. Adopt resolution supporting Assembly Bill 933 for Law Enforcement Officers: Special Death Benefits

LCAnA
W/ab

APPROVED AS RECOMMENDED

Supervisor Case

3. Recognize the Pumas Soccer Team from Huron for winning the Northern California State Championship in January 2003

RECOGNIZED

Administrative Office

4. Proclaim April 6 through 12, 2003, as Victims' Rights Week

CLAnA
W/ab

APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 03-121

The Tuesday Board of Supervisors meeting is broadcast live on
Radio KFCF•FM 88.1 9:00 A.M. until Noon and 2:00 P.M. until 6:00 P.M.

Equal Employment Opportunity • Affirmative Action • Disabled Employer
Internet: www.fresno.ca.gov/0110/agenda.html

5. Morning Consent Agenda – Item Numbers 26 - 47

- (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
- Items to be removed from Consent for Discussion
- Approval of Morning Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

AnLCA
W/ab

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS NO. 28 AND NO. 37 WHICH WERE PULLED FOR DISCUSSION

CLAnA
W/ab

APPROVED ITEM NO. 28 AS RECOMMENDED

CLAnWA

CONTINUED ITEM NO. 37 TO APRIL 8, 2003

County Clerk

6. Approve and authorize County Clerk/Registrar of Voters to require candidates for county nonpartisan offices to pay an estimated cost of printing, handling, translating, and mailing candidates statements in advance of all future elections as authorized by Elections Code Section 13307 (c) (4/5 vote)

LCAnA
W/ab

APPROVED AS RECOMMENDED WITH THE ADDITION OF HAVING PAYMENT MADE AT THE LATEST LEGAL AND PRACTICAL DATE POSSIBLE; ADOPTED RESOLUTION NO. 03-162

Administrative Office

7. Presentation of the Golden Lung Public Health Award to the County of Fresno by Theresa Boschert, Co-Director of BREATH-The California Smoke-Free Bars Workplaces, and Communities Program, a statewide project of the American Lung Association of the East Bay
8. Authorize Agricultural Commissioner to sign a cooperative agreement and any associated documents with the United States Department of Agriculture for activities related to the survey for Exotic Newcastle Disease in Fresno County

LCAnA
W/ab

RECEIVED PRESENTATION

APPROVED AS RECOMMENDED

9. Conduct first hearing to consider amending the Fresno County Master Schedule of Fees, Charges, and Cost Recovery Ordinance by amending Schedule A, Section 1100, relating to a Library fee for low volume copy machine copies, and set second hearing for April 8, 2003

AnCLA
W/ab

APPROVED AS RECOMMENDED; WAIVED READING OF ORDINANCE IN ITS ENTIRETY

10. Receive oral report on the Library Youth Services program

RECEIVED

11. **Board of Supervisors' Committee Reports** – Receive and provide direction (This item reserved for committee reports by members of the Board of Supervisors)

RECEIVED

12. **Board Appointments** – (List attached in packet and posted on bulletin board outside of Board Chambers)

CENTRAL VALLEY PEST CONTROL DISTRICT

REAPPOINTED THOMAS MULHOLLAND, DEAN GILLETTE AND HERBERT TOEWS, JR.

COUNCIL OF GOVERNMENTS RAIL COMMITTEE

APPOINTED TOM BAILEY TO REPLACE JOHN FERDINANDI

FRESNO COUNTY FIRE PROTECTION DISTRICT

APPOINTED SYLVIA GOMEZ AND BALDOMERO HERNANDEZ TO REPLACE DEAN FERGUSON AND JAMES ALLEN

FRESNO MOSQUITO AND VECTOR CONTROL DISTRICT

APPOINTED LAVANICE G. JOHNSON

HISTORICAL LANDMARKS & RECORDS ADVISORY COMMISSION

APPOINTED SHARON DUNN, LINDA S. HELM, DR. JAMES KUS TO THE AT-LARGE OPENINGS

HOUSING AUTHORITY

REAPPOINTED KAY KOELSCH

PLANNING COMMISSION

APPOINTED DAVE PHILLIPS TO REPLACE COURTNEY MOORE

APPROVED NOMINATIONS FOR APPOINTMENTS/REAPPOINTMENTS

AnLCWA

County Counsel

13. **Closed Session** –

- a. Pending Litigation Government Code Section 54956.9(a) – Jean Gookins v. County of Fresno, et al.
- b. Conference with Labor Negotiator (GC 54957.6):
Agency Negotiator: Ralph Jimenez; Employee Organization: All bargaining units and management and unrepresented employees – hours, wages, and terms and conditions of employment
- c. Conference with legal counsel – Significant Exposure to Litigation Government Code Section 54956.9 (b) – No. of Cases: 1

Sitting as the IHSS Public Authority Governing Board:

- d. Conference with Labor Negotiator (GC 54957.6): Agency Negotiator: Ralph Jimenez; Employee Organization: SEIU Local 250 – Hours, Wages, and Terms and Conditions of Employment

HELD

NOON RECESS

2:00 P.M.

Administrative Office

14. Adopt resolution proclaiming April 21 through 27, 2003, as Community Development Block Grant Week

CONTINUED TO APRIL 8, 2003

15. **Afternoon Consent Agenda – Item Numbers 48 - 54**

- (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
- Items to be removed from Consent for Discussion
- Approval of Afternoon Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

AnLCWA **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM NO. 54 WHICH WAS PULLED FOR DISCUSSION**

CLAnWA **APPROVED ITEM NO. 54 AS RECOMMENDED**

16. Conduct a hearing to receive protests from County Service Area No. OV-Van Ness Blvd Estates Nos. 1 and 2 property owners on imposing increased street lighting service fees as required under Proposition 218; if there is no majority protest, adopt resolution to direct staff to proceed with the ballot process and, if there is a majority protest, adopt resolution denying fee increase and continue with existing fees

AnCLWA **APPROVED AS RECOMMENDED; DIRECTED STAFF TO PROCEED WITH THE BALLOT PROCESS**

17. Conduct a hearing to receive protests from County Service Area No. 10 - Cumorah Knolls property owners on imposing a water surcharge and increased landscaping service fee as required under Proposition 218; if there is no majority protest to the water service surcharge fee, adopt resolution approving surcharge fee and direct staff to include the fee on the Master Schedule of Fees, Charges, and Recovered Costs for Administrative Purposes; and, if there is no majority protest on the increased landscaping fee, adopt resolution to direct staff to proceed with the ballot process; if there is a majority protest for any of these fees, adopt resolution denying the water surcharge fee and increased landscaping fee and continue with existing fees

AnLCWA **ADOPTED RESOLUTION APPROVING SURCHARGE FEE AND DIRECTED STAFF TO INCLUDE THE FEE ON THE MASTER SCHEDULE OF FEES, CHARGES, AND RECOVERED COSTS FOR ADMINISTRATIVE PURPOSES; AND DIRECTED STAFF TO PROCEED WITH THE BALLOT PROCESS REGARDING INCREASED LANDSCAPING FEE**

18. Conduct public hearing to receive testimony on housing and community development needs; and approve 2003-04 program funding levels for unincorporated area allocation of Community Development Block Grant funds

CAnLWA **APPROVED AS RECOMMENDED**

19. Consider public testimony and take action authorizing acquisition of land for the proposed Mendota Library within an agricultural preserve based on the findings required by the Land Conservation Act of 1965

LAnCWA

APPROVED AS RECOMMENDED

20. Conduct public hearing and adopt resolution approving Negative Declaration and Amended Housing Element of Fresno County General Plan

CWAnLA

APPROVED AS RECOMMENDED

21. Consider final action on the request of the Fresno Metropolitan Flood Control District for approval of the siting of the Dry Creek Extension Basin (continued from March 11, 2003)

CLAnWA

DENIED REQUEST

22. Consider and take action on Initial Study Application No. 4887 and Amendment to Text Application No. 349 proposing to provide standards for “start-up” bed-and-breakfast operations and modify procedures for small-scale winery operations (continued from March 11, 2003)

LCAAnWA

ADOPTED NEGATIVE DECLARATION FOR INITIAL STUDY APPLICATION NO. 4887 AND AMENDMENT TO TEXT APPLICATION NO. 349 WITH MODIFICATION DELETING THE REQUIREMENT THAT THE BALANCE OF WINE PRODUCED ON A SMALL-SCALE WINERY MUST COME FROM FARMS LOCATED WITHIN FRESNO COUNTY; DIRECTED STAFF TO REFUND THE DIFFERENCE IN APPLICATION FEES FOR ALL BED-AND-BREAKFAST AND WINERY APPLICATIONS PROCESSED WITHIN THE LAST TWO YEARS; AND ADOPTED ORDINANCE NO. T-075-349

23. Consider and take action on appeal by Quail Lake, LLC, applicant, of Planning Commission’s denial of Initial Study Application No. 4891 and General Plan Amendment Application No. 497 proposing to amend the Quail Lake Specific Plan to defer construction of the required groundwater recharge system from Phase III to Phase IV, increasing the number of lots that can be recorded prior to construction of the required groundwater recharge system from 395 lots to 588 lots (increase of 193 lots)

LWAnA
C/no

UPHELD APPEAL; ADOPTED NEGATIVE DECLARATION PREPARED FOR INITIAL STUDY APPLICATION NO. 4891 AND APPROVED GENERAL PLAN AMENDMENT NO. 497, SUBJECT TO THE FOLLOWING REQUIREMENTS AND CONDITIONS: (1) DIRECTOR OF PUBLIC WORKS AND PLANNING SHALL PROVIDE A BOARD BRIEFING REPORT ON THE RWOCB’S REVIEW OF THE QUAIL LAKE RECYCLED WATER MONITORING REPORT; (2) DIRECTOR SHALL UPDATE ESTIMATED COST OF GROUNDWATER RECHARGE FACILITY; (3) APPLICANT SHALL POST 100 PERCENT SECURITY TO COVER UPDATED COST OF GROUNDWATER RECHARGE FACILITY; AND (4) APPLICANT SHALL PROVIDE SUFFICIENT GROUNDWATER MONITORING WELLS IN CONJUNCTION WITH THE GROUNDWATER RECHARGE FACILITY TO MONITOR GROUNDWATER QUALITY AND LEVELS AS WELL AS THE EFFECTIVENESS OF THE RECHARGE FACILITY

24. Approve recommended actions for Tract No. 5113, located on the south side of Shaw Avenue between McCall and Academy Avenues

AnWLA
C/no

APPROVED AS RECOMMENDED

25. **Public Presentations** – (This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda – Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic)

HELD

ADDENDUM TO AGENDA

Administrative Office

Consider and direct Department of Public Works and Planning staff regarding contracting with the Fresno City and County Historical Society for use of Kearney Park for three events, and authorize Chairman to execute an agreement implementing final Board direction

Placement on Agenda: **To follow Item 15**

LWCAnA

APPROVED AS RECOMMENDED

AnCLWA

ADJOURNED

NEXT MEETINGS:

April 8, 2003 – 9:00 A.M.

April 29, 2003 – 9:00 A.M.

<p>Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to the Board of Supervisors (559) 488-3529 no later than Monday at 9:00 a.m.</p>
--

MORNING CONSENT AGENDA – Item Numbers 26 - 47
(Any Board Member may pull any consent item for discussion or separate vote)

AnLCA
W/ab

**APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS NO. 28
AND NO. 37 WHICH WERE PULLED FOR DISCUSSION**

CLAnA
W/ab

APPROVED ITEM NO. 28 AS RECOMMENDED

CLAnWA

CONTINUED ITEM NO. 37 TO APRIL 8, 2003

County Clerk

26. Approve Records Retention Schedules on file with Clerk to the Board and adopt resolution authorizing the destruction of: 1) Agriculture records 2) Public Works and Planning – Development Services Division records and 3) Adult Probation records (4/5 vote)

Sheriff

27. Adopt resolution increasing appropriations and estimated revenues for FY 2002-03 Sheriff Org. 3110 (\$11,500) for the purchase of a new Computer Server (4/5 vote)
28. Approve and authorize Chairman to execute a retroactive lease agreement with Seth Abajian for the Area 3 Sheriff Sub-Station, for a three-year period (\$64,500 annually)

CLAnA
W/ab

APPROVED AS RECOMMENDED

Administrative Office

29. Application of Personnel Rules/Salary Resolution Amendments (Copy of amendments attached in Supervisors' Agenda Packet, on file with the Clerk to the Board, and posted on the bulletin board outside the Board Chambers)
30. Approve addendum to Memorandum of Understanding for Representation Unit 31 regarding Agency Shop
31. Authorize Chairman to sign a letter to the California Department of Alcohol and Drug programs exercising the County's option to waive a local contract with California Diversity Operations, Inc. for the provision of Drug Medi-Cal services
32. Approve the concept to transfer the Human Services System Department functions of Substance Abuse, Managed Care and Community Based Services to newly created Budget Units under the Human Services System effective July 1, 2003 and approve Salary Resolution amendment (Appendix C) on file with Clerk to the Board to delete 13 vacant positions, and add one position effective March 31, 2003; and transfer 61 positions from Human Services System Administration to three new Human Service System Budget Units effective June 9, 2003

33. Appoint Interim Director of the Department of Community Health to First 5 Fresno County, formerly known as the Children and Families Commission of Fresno County, as authorized under the Children and Families First Act of 1998
34. Approve the revised duties of the Historic Landmarks and Records Advisory Commission to include advising the Board on the placement of markers and sculptures in historic Courthouse Park
35. Approve and authorize Chairman to execute amendment to agreement with KWPH Enterprises, Inc., d.b.a. American Ambulance, for advanced life paramedic ambulance service to adjust user fees
36. Approve resolutions rejecting claims for damages
37. Adopt resolution increasing appropriations and estimated revenues for FY 2002-03 for the Department of Child Support Services, Org. 5110 (\$52,000) (4/5 vote); and approve and authorize Clerk to execute Budget Transfer No. 56 (\$815,962) in FY 2002-03 Department of Child Support Services Org. 5110 to purchase equipment to accommodate staff relocation and to meet state mandated performance measures

CLAnWA

CONTINUED TO APRIL 8, 2003

38. Adopt resolution to ratify modifications to the bylaws of the Fresno County Employees' Retirement Association adopted by the Board of Retirement on February 5, 2003
39. Approve an amendment to Section 1310 of the Salary Resolution increasing the maximum number of monthly meetings for which Retirement Board Trustees may be compensated, from three to five, at a per diem rate of (\$100.00) for a maximum compensation increase from (\$300.00 to \$500.00) per month effective March 31, 2003 as reflected in Appendix D

Agreements – Approve and Authorize Chairman to Execute:

40. Sole-source agreement with California State University, Fresno Foundation for Evaluation of Neighborhood Resource Centers (\$10,552)
41. Amendment to the high risk scientific evaluation trapping program agreement with the State of California Department of Food and Agriculture (\$11,254); and agreement with the California Department of Food and Agriculture for egg inspection work (\$200)
42. Assignment of agreement with The Living Room to WestCare California, Inc.
43. Retroactive Amador Plan agreement with the State of California for fire protection services provided by the State Department of Forestry to the County of Fresno for 2002-03 (\$547,662)
44. Retroactive agreement with the California State Association of Counties for the purpose of providing Case Data System Management Services (\$400,000)
45. Subordination Agreement with General Electric Capital Business Asset Funding Corporation

46. Termination notice to BNY Western Trust for leased space at the Exchange Building
47. Retroactive amendment to the agreement with the County of Butte authorizing Butte County to collect fees and pay administrative costs for participation in the Medi-Cal Administrative Activities/Targeted Case Management Claiming Program(\$5,674)

AFTERNOON CONSENT AGENDA – Item Numbers 48 - 54

(Any Board Member may pull any consent item for discussion or separate vote)

AnLCWA

**APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM NO. 54
WHICH WAS PULLED FOR DISCUSSION**

CLAnWA

APPROVED ITEM NO. 54 AS RECOMMENDED

48. Accept the summary reports on all contract change orders approved by the Director of the Department of Public Works and Planning
49. Adopt plans and specifications and authorize Director of Public Works and Planning to set bid openings and advertise for bids on Contract No. 02-13-C, County Maintenance Overlays – Various Roads
50. Adopt plans and specifications and authorize Director of Public Works and Planning to set bid openings and advertise for bids on Contract No. 02-14-C, Bituminous Seal Coats, Various Locations in Fresno County

Agreements – Approve and Authorize Chairman to Execute:

51. Approve the Regulatory Agreement and authorize the Affordable Housing Programs Manager, Community Development Division, Department of Public Works and Planning, to execute said agreement with rental property owners
52. Amend the FY 2002-03 Community Development Block Grant Program Action Plan to add the Firebaugh Corregidor/SR 33 Alley & Tri-Circle Sewer Lines Replacement Project No. 02095; approve and authorize Chairman to execute agreement with City of Firebaugh for the Firebaugh Corregidor/SR 33 Alley & Tri-Circle Sewer Lines Replacement Community Development Block Grant Project No. 02095 (\$135,338)
53. Agreement with Tranquillity Public Utility District for the Tranquillity Anthony Street Improvements Project No. 02765 (\$79,109)
54. Agreement with State of California Department of Transportation for the signalization at the intersection of State Route 41 and Mt. Whitney Avenue (\$99,028)

CLAnWA

APPROVED AS RECOMMENDED